

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Securities and Exchange Commission, §  
§  
Plaintiff, § CIVIL ACTION NO. H-04-2799  
Vs. §  
§  
Carl R. Rose, Marvin M. Barnwell, Stacey §  
J. Blake, George J. Cannan, Sr., George J. §  
Cannan, Jr., Earl Shawn Casias, Lawrence §  
A. Clasby, Hector J. Garcia, David A. §  
Keener, Charles A. Leaver, Mark K. §  
Menzel, Frank H. Moss, and Harris D. §  
Ballow, §  
§  
Defendants. §

**MEMORANDUM AND ORDER**

Pending before the Court are Defendants George J. Cannan, Sr. and George J. Cannan, Jr.'s motions to quash depositions, to compel the SEC to respond to the Cannans' interrogatories, and to dismiss the SEC's Complaint for failure to state a claim upon which relief can be granted. Pursuant to the representations of the Cannans' counsel, Gerald L. Bracht, on Friday, January 13, 2006, the Court finds that the motions, Docket Nos. 116, 117, and 118, should be and hereby are **DENIED AS MOOT WITHOUT PREJUDICE TO REFILING.**

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 17th day of January, 2006.



KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND Affected NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**